

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services-Irrigation & CAD Department – Sri C.V.Rama Murthy,
Superintending Engineer (Retd.) - Departmental proceedings under Rule 9 of
Andhra Pradesh Revised Pension Rules, 1980 - Articles of charges - Issued

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IRRIGATION & CAD (SERVICES.X-2) DEPARTMENT

G.O.Rt.No. 1112

Dated: 22 .08.2008

Read the following :

1. G.O.Rt.No. ,I & CAD (Ser.X.2) Department, dt. .8.2008.

O R D E R:

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule 2 of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri C.V.Rama Murthy, Superintending Engineer (Retd.) in the Government order read above, it is proposed to hold an enquiry against the said Sri C.V.Rama Murthy, Superintending Engineer (Retd.) in accordance with the procedure laid down in rule 20 of A.P.C.S. (CC & A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure-I). A statement of imputations of misconduct and misbehavior in support of each article of charge (Annexure-II), a list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure. III & IV).

3. Sri C.V.Rama Murthy, Superintending Engineer (Retd.) is directed to submit his Written Statement of defence within (10) days of the receipt of this order and also state whether he desires to be heard in person.

4. Sri C.V.Rama Murthy, Superintending Engineer (Retd.) is informed that an enquiry will be held only in respect of those articles of charges which is not specifically admitted herein. He should therefore specifically admit or deny each article of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri C.V.Rama Murthy Superintending Engineer (Retd.) is further informed that if he does not submit his Written Statement of Defence on or before the stipulated time, or does not appear in person before the disciplinary authority or otherwise fails to refuses to comply with the provisions of Rule 20 of the A.P.C.S. (CC & A) Rules, 1991, or the orders/directions issued in pursuance of said rules, the inquiry authority may hold inquiry against him ex-parte.

6. The receipt of this order should be acknowledged

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri C.V.Rama Murthy, Superintending Engineer (Retd.) through the_Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.

Copy to

The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.

//FORWARDED : : BY ORDER//

SECTION OFFICER

ANNEXURE- I

Sri C.V.Rama Murthy during his incumbency as Superintending Engineer, ISLMC Circle, Tuni has violated APCCS (conduct) Rules, 1964 and committed misconduct as mentioned in the following articles of charges.

Charge I:-

That the said Sri C.V.Rama Murthy while functioning as Superintending Engineer, ISLMC Circle, Tuni has deviated normal procedure and violated the G.Os in force in sanctioning the estimates by splitting the work "EWE and formation of banks including construction of CM &CD works on 21 R Distributory of Surampalem Reservoir Scheme" instead of submitting the proposals for approval of the Government.

Charge II:-

That the Sri C.V.Rama Murthy while functioning as Superintending Engineer, ISLMC Circle, Tuni has violated Tender Guidelines / Rules in publication of Tender notice in the newspapers. As per para (8) (iv) of G.O.Ms.N.94, I &CAD (PW-COD)Dept dt. 1-7-2003. The time allowed from the date of publication of tender notices to the date of receipt of tenders is 14 days for the first call and 7 days for the second call". But the 'e' procurement notices was published in newspapers on 19.3.2006 (first call) and the last date of receipt of tenders on 27.3.06 leaving only 9 days and published on 27.4.06 (second call) and the last date of receipt of tenders on 1.5.06 leaving only 5 days and it is lack of transparency and equal opportunity to all in the tender process.

Charge III:-

That the said Sri C.V.Rama Murthy while functioning as Superintending Engineer, ISLMC Circle, Tuni has violated G.O.Ms.N.94, I &CAD (PW-COD)Dept dt. 1-7-2003 in entrustment of works on selection basis. As per the said G.O.Ms.N.94, I &CAD (PW-COD) Dept dt. 1-7-2003 as per the procedure laid down in the Annexue .II will be selected in turns of 5 contractors at each time and will be asked to file their price bids at a specified place and time before the competent committees as stated at para 14 (ii) to entrust the work". But the said Superintending Engineer has addressed only three contractors to file their price bids.

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED : : BY ORDER//

SECTION OFFICER

ANNEXURE II

Sri C.V.Rama Murthy while working as Superintending Engineer, Indira Sagar Project, Dowlaiswaram during his incumbency has committed the following irregularities.

The work of construction of Surampalem Reservoir Project across Burda Kalva (Medium Irrigation Project) was administratively sanctioned for Rs.44.38 crores in G.O.Ms.No.40, I&CAD (Irr.I(2) Deptt., dt:27.3.2000 to provide irrigation facilities to an extent of Rs.15482 acres. In G.O.Ms.No.163, I&CAD (Irr.I3) Deptt., dt:1.10.2004 permission was accorded to incur an expenditure of Rs.7.00 crores for the widening of the main canal. Head works, main canal upto Km 28.85 and distributory system upto 20 R completed.

The Government have given assurance to release water under the scheme to an extent of Rs.10,000 acres by 31.7.06. The part of the ayacut of under the 21 R distributory was covered in the proposed 10,000 acres.

Tenders were invited twice by Superintending Engineer, ISLMC circle, Tuni for excavation of Surampalem Reservoir scheme and there was no response.

In view of the above, in order to provide irrigation facilities to 10,000 acres and since there was no response for two tender calls, the Superintending Engineer and Chief Engineer, Indira Sagar Project would have submitted the proposals for approval of the Government immediately on 1.5.2006 (last date of receipt of tenders for second call) before taking action at their level as per codal rules and GOs in force. But the Superintending Engineer had splitted the work into the following three packages and sanctioned the estimates.

The Superintending Engineer has entrusted for the 1st two reaches only i.e., from Km 0.000 to 1.600 KM and from Km 1.600 to 2.900 by calling sealed quotations. The work in the 3rd reach i.e, in between km 2.900 to 4.600 will be taken up by calling tenders.

The Superintending Engineer would have submitted the proposals for approval of the Government before taking action at his level for which he is not competent.

Para 154 of APPW'D"Code:-

“certain instances have come to the notice of the Government wherein officers of public works department have awarded works on nomination by splitting up works when there was no response or poor response to tender calls for the entire work with out again calling for tenders for the split up work.

The attention of the Chief Engineer is invited to the instructions issued in Government Memo No.553-N2/66-2, PWD dated:17.3.66 and Government memo no.94-Y/66-4, PWD dated:16.1.67. The departmental officers were authorized to split up large works in such a manner that they are capable of independent execution without interference with the progress and actual execution of the other places into which the work might have been split up. The intention is that the small contractors with limited resources may also have the opportunity to compete with the bigger contractors and reduce monopolistic tendencies. In spite instructions in para 2 of the Government memo no.94/Y/66-4, PWD dated:16.1.67, the Departmental officers shall continue to invite tenders for large works though they can be conveniently split up into parts as envisaged in the above instructions. After noticing that there is poor response or on response from the tenders , the officers split up the work and entrust them on nomination. This practice deprives the benefit of lower rates to the Government, had tenders been called for again after splitting up the works.

After careful consideration, the Government direct that the instruction issued in Government memo 94-Y-66-4, PWD, dated:16.1.67 should be followed scrupulously. If, for any reason, it is not possible or convenient to split up large works before calling for tenders and tenders are called for the entire work and there was no response or poor response, the departmental officers should split up the works in a judicious manner and call for tenders again for these split up works. If the tenders are still high even after repeated tender calls and if it is considered that further calls will be fruitless, the Departmental officers may allot the split up works on nomination to various contractors selected by him within the estimate rates as per note 1 and 4 of para 154 of A.P.W."D" code, or execute such works departmentally or through petty job works, supplying materials departmentally.

The Chief Engineers under the administrative control of public works Department and Public Works Department (project Wing) are requested to ensure that the above instructions are scrupulously followed by all the officers concerned.

G.O.Ms.N.94, I &CAD (PW-COD)Dept dt. 1-7-2003 as per para 13(i) " as per the guidelines, even after two calls if the tender premium quoted is more than 10% the matter should be referred to the Government and the Government and the Government may order for a fresh call or may constitute a committee to avoid the work on nomination to a reputed contractor from the list to be maintained by the Department on the basis of performance of contractors."

As per para 14(i) " The tenders received which are found to have abnormally high percentage or within the permissible ceiling limits prescribed but under collusion, or due to unethical practices adopted at the time of tendering process, shall be rejected.

When such situation arises that even for second tender call, the reasonable percentage in fair and free environment is not received, the work will be entrusted on selection basis from out of the list of contractors who are possessing the eligibility criteria as specified in the tender document with proven track record prepared as per the procedure laid down in the Annexure. It will be selected in turns of 5 contractors at each time and will be asked to file their price bids at a specified place and time before the competent committees as stated at para 14(ii) to entrust the work. The committee assessing the reasonableness of excess percentage quoted will recommend to award the work to the lowest of all the contractors participated. The contractors to whom the work is entrusted on selection basis will be provided necessary security and protection if requested at his cost."

Para (ii) " For the purpose of above selection and entrustment of works to contractors the composition of the committees at District and State level and powers delegated to them are as under:-

(a) for the works costing upto Rs.1 Crore, a committee consisting of the Collector of the District in which work is located, the S.E. Concerned with the work and two Superintending Engineers of two other works Departments viz., Panchayat Raj, R&B and the Irrigation will recommend to the competent authority to award the work."

G.O.Ms.No. 94, Para (8) (iv):-

"The time allowed from the date of publication of tender notices to the date of receipt of tenders is 14 days for the first call and 7 days for the second call"

But the 'e' procurement notices was published in newspapers on 19.3.2006 (first call) and the last date of receipt of tenders on 27.3.06 leaving only 9 days and published on 27.4.06 (second call) and the last date of receipt of tenders on 1.5.06 leaving only 5 days and it is lack of transparency and equal opportunity to all in the tender process. i.e., ample time (or) opportunity was not given to the bidders for tendering. Hence, the Superintending Engineer, ISLMC Circle, Tuni has violated Tender process Guidelines / Rules in publication of Tender Notice in the newspapers, more so it is under e-procurement.

If it is a single work, only two Technical Agents would have been sufficient. Since the work is divided into 3 reaches, 3x2 technical agents would be required i.e., the provision for technical agent increases in the estimates due to splitting of the work. The provision towards technical agent Rs.1,12,050 at Rs.37,350 for each package is an additional burden to Government as a provision of Rs.37,350/- would have been sufficient in a single package.

Hence Superintending Engineer and Chief Engineer without fulfillment of Government assurance violated the Codal Rules and GOs in force and thus you have committed misconduct and violated APCCS (conduct) Rules, 1964.

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE .III

1. Original technical sanctioned estimate for Rs.115.00 lakhs
2. G.O.Ms.N.94, I &CAD (PW-COD)Dept dt. 1-7-2003
3. Para 154 of APPW "D" Code
4. 'e' procurement notices
5. Publication in news papers on 19.3.2006 (First call)
6. Publication in news papers on 27.4.2006 (Second call)
7. SE, ISLMC Circle Letter No. (i) DB/D4/426 M dated:2.5.06 (ii) DB/D4/541 M dated:5.6.06
8. CE, ISP Letter NO.CE/ISP/DCE/OT5/AEE1/251/05 Vol.3, dt:22.7.06

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE - IV

List of witnesses

--No--

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

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